

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

Christopher M. Curran (*pro hac vice*)

ccurran@whitecase.com

Lucius B. Lau (*pro hac vice*)

alau@whitecase.com

Dana E. Foster (*pro hac vice*)

defoster@whitecase.com

White & Case LLP

701 Thirteenth Street, N.W.

Washington, DC 20005

Telephone: (202) 626-3600

Facsimile: (202) 639-9355

Counsel to Defendants Toshiba Corporation,

Toshiba America, Inc., Toshiba America

Consumer Products, L.L.C., Toshiba America

Electronic Components, Inc., and Toshiba

America Information Systems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-cv-05944 SC
MDL No. 1917

This Document Relates to

Electrograph Systems, Inc. et al. v. Technicolor
SA, et al., No. 13-cv-05724-SC;

Interbond Corporation of America v.
Technicolor SA, et al., No. 13-cv-05727-SC;

Office Depot, Inc. v. Technicolor SA, et al., No.
13-cv-05726-SC;

P.C. Richard & Son Long Island Corporation,
et al. v. Technicolor SA, et al., No. 13-cv-05725-
SC;

Schultze Agency Services, LLC v. Technicolor
SA, et al., No. 13-cv-05668-SC

**DECLARATION OF DANA E.
FOSTER IN SUPPORT OF CERTAIN
DIRECT ACTION PLAINTIFFS'
ADMINISTRATIVE MOTION TO
SEAL PORTIONS OF AMENDED
COMPLAINTS PURSUANT TO
CIVIL LOCAL RULES 7-11 AND
79-5(d)**

DECLARATION OF DANA E. FOSTER IN SUPPORT OF CERTAIN DIRECT
ACTION PLAINTIFFS' ADMINISTRATIVE MOTION TO SEAL PORTIONS OF
AMENDED COMPLAINTS PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944 SC, MDL No. 1917

1 I, Dana E. Foster, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, attorneys for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer
4 Products, L.L.C., Toshiba America Electronic Components, Inc., and Toshiba America
5 Information Systems, Inc. (collectively, the "Toshiba Defendants"). I make this
6 declaration in support of Certain Direct Action Plaintiffs' Administrative Motion to Seal
7 Portions of Amended Complaints Pursuant to Civil Local Rules 7-11 and 79-5(d) (Dkt.
8 No. 2279) (the "Motion to Seal").

9 2. Except for those matters stated on information and belief, which I believe to be
10 true, I have personal knowledge of the facts set forth herein and, if called upon, could and
11 would competently testify thereto under oath.

12 3. On June 18, 2008, the Court issued a Stipulated Protective Order (Dkt. No.
13 306) (the "Stipulated Protective Order").

14 4. The Toshiba Defendants have produced in this action certain documents and
15 information designated as "Confidential" and "Highly Confidential" pursuant to the
16 Stipulated Protective Order.

17 5. On December 20, 2013, Plaintiffs Electrograph Systems, Inc. and Electrograph
18 Technologies Corp. ("Electrograph"), Interbond Corp. of America ("BrandsMart"), Office
19 Depot, Inc. ("Office Depot"), P.C. Richard & Son Long Island Corp. ("P.C. Richard"),
20 MARTA Cooperative of America, Inc. ("MARTA"), ABC Appliance, Inc. ("ABC
21 Warehouse"), and Schultze Agency Services ("Tweeter") (collectively, "Plaintiffs") filed
22 the Motion to Seal, and lodged conditionally under seal, pursuant to Civil Local Rules 7-
23 11 and 79-5(d), portions of the following documents containing information from
24 documents that the Toshiba Defendants have designated as "Confidential":

- 25 a. Electrograph's First Amended Complaint;
- 26 b. BrandsMart's First Amended Complaint;
- 27 c. Office Depot's First Amended Complaint;

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DECLARATION OF DANA E. FOSTER IN SUPPORT OF CERTAIN DIRECT
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1 d. P.C. Richard's, MARTA's, and ABC Warehouse's First Amended
2 Complaint; and

3 e. Tweeter's First Amended Complaint.

4 6. The documents and information quoted from, described, or otherwise
5 summarized in Paragraph 152 and its subparts, Paragraph 153 and its subparts, and
6 Paragraph 159 and its subparts of the Electrograph First Amended Complaint relies on
7 documents designated by the Toshiba Defendants as "Confidential."

8 7. The documents and information quoted from, described, or otherwise
9 summarized in Paragraph 137 and its subparts, Paragraph 138 and its subparts, and
10 Paragraph 144 and its subparts of the BrandsMart First Amended Complaint relies on
11 documents designated by the Toshiba Defendants as "Confidential."

12 8. The documents and information quoted from, described, or otherwise
13 summarized in Paragraph 138 and its subparts, Paragraph 140 and its subparts, and
14 Paragraph 146 and its subparts of the Office Depot First Amended Complaint relies on
15 documents designated by the Toshiba Defendants as "Confidential."

16 9. The documents and information quoted from, described, or otherwise
17 summarized in Paragraph 142 and its subparts, Paragraph 144 and its subparts, and
18 Paragraph 150 and its subparts of the P.C. Richard, MARTA, and ABC Warehouse First
19 Amended Complaint relies on documents designated by the Toshiba Defendants as
20 "Confidential."

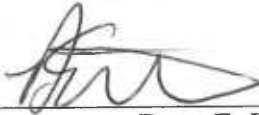
21 10. The documents and information quoted from, described, or otherwise
22 summarized in Paragraph 141 and its subparts, Paragraph 143 and its subparts, and
23 Paragraph 149 and its subparts of the Tweeter First Amended Complaint relies on
24 documents designated by the Toshiba Defendants as "Confidential."

25 11. The documents or information quoted from, described, or otherwise
26 summarized in the Plaintiffs' amended complaints contain confidential, non-public,
27 proprietary and highly sensitive business information. These documents contain
28 confidential, non-public information about the Toshiba Defendants' sales practices,

1 business and supply agreements, and competitive positions. The documents describe
2 relationships with companies — including customers and vendors — that remain
3 important to the Toshiba Defendants' competitive positions. Upon information and belief,
4 publicly disclosing this sensitive information presents a risk of undermining the Toshiba
5 Defendants' relationships, would cause harm with respect to the Toshiba Defendants'
6 competitors and customers, and would put the Toshiba Defendants at a competitive
7 disadvantage.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 Executed this 27th day of December, 2013, in Washington, D.C.

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13 Dana E. Foster
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CERTIFICATE OF SERVICE

On December 27, 2013, I caused a copy of "DECLARATION OF DANA E. FOSTER IN SUPPORT OF CERTAIN DIRECT ACTION PLAINTIFFS' ADMINISTRATIVE MOTION TO SEAL PORTIONS OF AMENDED COMPLAINTS PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)" to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.


Dana E. Foster